

**VILLAGE OF ESTERO PLANNING AND ZONING BOARD
MEETING OF NOVEMBER 17, 2015**

The Village of Estero Planning and Zoning Board meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Chairman Roger Strelow, and Board Members David Crawford, Ned Dewhirst, Jeff Maas, Marlene Ann Naratil, and Scotty Wood. Absent: Board Member Ryan Binkowski.

Also present: Nancy Stroud, Esq., Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

1. CALL TO ORDER

Chairman Strelow called the meeting to order at 5:30 p.m.

2. PLEDGE OF ALLEGIANCE

Chairman Strelow led the Pledge of Allegiance.

3. ROLL CALL

Village Clerk Kathy Hall called the roll; all members were present with the exception of Board Member Binkowski.

4. APPROVAL OF AGENDA

Board Member Wood moved approval of the agenda, seconded by Board Member Crawford, called and carried unanimously.

5. BUSINESS

(a) Approval of Minutes

(1) October 20, 2015

Board Member Crawford moved approval of the October 20, 2015 minutes, seconded by Board Member Naratil, called and carried unanimously, with Board Member Binkowski absent.

(b) Consent Agenda

None.

(c) Unfinished Business

None.

Chairman Strelow provided information regarding Board business. All audience members and staff providing testimony were sworn in by Village Clerk Kathy Hall. Chairman Strelow called for Board Member conflicts of interest and ex parte contact. There were no conflicts of interest noted. Board Member Dewhirst declared ex parte contact with the Planner related to the Volunteers of America application. Community Development Director Mary Gibbs introduced new staff members.

(d) Public Hearings

- (1) Coconut Point Art Festival – TMP 2015-00248 (District 6)
Request for Special Event Permit for New Year’s weekend art festival at Coconut Point mall parking lot January 2 and 3, 2016

Community Development Director Gibbs and Chairman Strelow provided brief introductions.

Sean Carroll, Coconut Point Mall, explained what would take place related to the art festival, which would include approximately 180 vendors; they expect attendance to be 2,000 to 3,000 people. In response to an inquiry regarding whether the same vendors and local artists were there every year, Mr. Carroll responded “yes.”

Community Development Director Gibbs provided further information regarding conditions of approval as described in the resolution.

Chairman Strelow called for public comment and no one came forward.

Board Member Crawford moved approval of Resolution No. PZB 2015-09, seconded by Board Member Wood, called and carried unanimously, with Board Member Binkowski absent.

- (2) Volunteers of America – DCI 2015-00013 (District 4)
Request for rezoning to Residential Planned Development for Continuing Care/Assisted Living Facility at northeast corner of Corkscrew Road and Via Coconut (Sandy Lane)

Charles Basinait, representing Volunteers of America, noted the revised project name: The Colonnade of Estero CCRC, and explained that the request was to rezone from CPD to RPD. Through a PowerPoint presentation, he provided further explanation regarding aerial map; maximum 128 dwelling units on the site; adult living facility units; limited to 340 beds. Mr. Basinait also provided copies of all materials, which were accepted as exhibits.

Chairman Strelow provided an explanation of Zoning in Progress and Village Center concept.

Mr. Basinait stated that they agreed with the staff report and conditions, and inquired regarding entering information in the record related to expert witnesses and noted that Mr. Mulhere’s resume had been made available for the record.

Bob Mulhere, Professional Planner, Hole Montes Engineering, provided information related to his professional background. Mr. Mulhere was accepted by the Planning and

Zoning Board as an expert in land use planning for purposes of this matter. Continuing with the PowerPoint presentation, he provided an explanation regarding approved vs. proposed, which was continuing care retirement community and pointed out the following: existing construction; proposed development; master concept plan, which included connectivity, pedestrian, and bicycle; comprehensive plan consistency and objectives; connectivity, parking, pedestrian area, civic use building, and typical amenities; elements of zoning in progress; Community Planning Initiative final report (Seth Harry report); requested deviations; transportation; sidewalks; “Old Florida” design; conceptual site plan; interior perspective; buffers; landscaping; planning conclusions; project consistent with the Estero Community Plan, the Lee Plan and the LDC design requirements.

Mr. Basinait emphasized that a specific finding in the Seth Harry report indicated that there was insufficient senior housing in Estero. He believed that this project was a direct response to the finding in the report. He noted that they were speaking with Lee County regarding installation of a crosswalk at Corkscrew Road and Sandy Lane, in order to get people from their project to the south side of Corkscrew Road. He also addressed traffic calming measures within the project; the minimal amount of traffic generated by the project at the interchange, which was radically different than what would have been created with the previously proposed commercial use. He added that there would be an overall traffic reduction of 85% with the revised request. Mr. Basinait spoke regarding a berm that would be created along Corkscrew Road with plantings on the top and enhanced buffers; both sides of the wall along the north side of the project would be heavily landscaped; the north side would be irrigated. In response to Board Member inquiries, Mr. Basinait provided explanations regarding portions of the roadway, wall, and buffering that were approved as part of the previous CPD zonings; making the site accessible for residents within and outside of the site; uses of accessory structures; sidewalks on Corkscrew Road and Sandy Lane to be built consistent with the Master Concept Plan; phased development; and home occupations.

Kevin Ahmadi, Director of Operations, Volunteers of America, and Executive Director, Gulf Coast Retirement Village, explained that the community was a life plan community with entrance fees. He noted that the community would be open to the public and the civic space would be opened up for a multitude of civic organizations, including inter-generational level. In response to an inquiry regarding pets, Mr. Ahmadi responded that pets less than 20 pounds would be acceptable.

Charlie Krebs, Engineer, Hole Montes, provided professional background information; Chairman Strelow stated that the Board accepted him as an expert witness. Mr. Krebs offered an explanation regarding the on-site water management system.

In response to Board Member inquiries, Mr. Basinait provided information regarding parking requirements; civic use; medical use and EMS parking; interconnection and crossing to the north; and dry detention areas.

Community Development Director Gibbs provided an explanation regarding the staff report and recommendation.

Judy Libersher, Estates at Estero River resident, addressed concern regarding: residents residing along the wall that believe they have not been represented; the 3-story buildings;

number of possible residents and employees; compatibility with the neighborhood; traffic along Sandy Lane; building and parking lot lighting. She believed that the project was a major medical facility and did not meet the mixed-use criteria.

Jennifer Palmer, Estates at Estero River resident, Estates at Estero River Community Association Board of Directors President, and spouse of the realtor involved with the sale of the subject property, provided information regarding: a letter of support from the Board of Directors to the Volunteers of America; a Board Member that lobbied and collected signatures on a petition against the project on her own without sanction from the Board, which did not represent the majority of the community; a community-wide survey as a gesture of good faith by the Board for membership input regarding the letter of support, resulting in 59 respondents, with 43 responding in favor of the rezoning.

Judy Libersher, Estates at Estero River resident, was recognized by Chairman Strelow for additional comment. Ms. Libersher stated that the Planning and Zoning Board may want to review the survey, as Ms. Palmer was stating her opinion. Ms. Libersher added that her opinion was based on the signatures she received on a petition and that she spoke personally with the people who said they would not be in complete support of the project.

Charles Basinait addressed concerns raised by Ms. Libersher related to the 3-story buildings, the number of people, the project being a medical facility, mixed use, traffic, the wall on the north side, and lighting. He responded that the developers were mindful of the neighbors and that any visual impacts would be minimal on the north side; they have agreed to limit the facility, which was not a medical facility, to 340 beds; to some extent there would be a mixed use component to the project; traffic produced by this project would be significantly less than previously approved; the developers were aware that the wall was in bad shape, however, the wall and landscaping would be maintained; lighting would not be an issue due to compliance with the existing strict lighting regulations; and, the project would eliminate some of the surplus commercial zoning and would increase stock for senior housing.

In response to an inquiry whether staff believed that the project complied with zoning in progress, Community Development Director Gibbs responded that the Village Council would make the final determination. She stated that staff initially believed the applicant did not have enough components; however, after reviewing the interconnections, roads, sidewalks, crosswalk, civic space, the items that the applicant provided to bring it into compliance, and given the unique nature of the project, she believed that the applicant had complied as much as possible. She reiterated that the Village Council would address the compliance and make the final determination.

In response to an inquiry regarding the appropriate mechanism to transmit the Board's recommendation to Council, Attorney Nancy Stroud responded that it would be in the form of a motion and a vote that would show up in the minutes of the proceeding; there would not be an additional document. She noted that staff prepared suggested findings that the Board could begin from, add to, or change.

Chairman Strelow called for further public comment.

Judy Libersher, Estates at Estero River resident, was permitted to speak one more time and inquired whether the Board had ever approved this type of request that had been in

close proximity to residential. Brief discussion followed. Community Development Director Gibbs stated that this would go to the Village Council and would be one of the first zoning decisions for the Village Council to make. She noted that the Planning and Zoning Board was not making a decision; they were making a recommendation. She added that Lee County had approved some requests similar to this that were close to residential.

Chairman Strelow closed the public hearing.

Board Member Dewhirst moved to recommend approval as per the staff report and recommendations with additional conditions: the cross access easement be recorded at time of Development Order; if allowed, landscaping at the dry detention area along Corkscrew Road; amend the exhibit to indicate the pedestrian crossing in the northeast corner; stipulation that the wall be maintained in acceptable condition in perpetuity. Motion seconded by Board Member Wood. Brief discussion of the motion followed. The motion was called and carried unanimously through a roll call vote, with Board Member Binkowski absent.

- (3) Autumn Leaves of Estero – ADD 2015-00145 (District 2)
Request for two deviations for monument signage at Autumn Leaves Memory Care Facility on US 41 south of Marsh Landing

Chairman Strelow provided a brief introduction.

Bill Prys, Land Architects, Inc., stated that the concern by Planning staff and the Design Review Board was setting a precedent, which he believed would not be the case due to the unique circumstances that caused a hardship. Mr. Prys reviewed information presented at the September 22, 2015 Planning and Zoning Board meeting and noted deviation requests to allow the second sign due to the hardship from the bus stop improvements along with the setback from 15 feet to 10 feet.

Discussion ensued regarding the location and compromised views of the proposed signs, and staff's concern related to setting a precedent. In response to whether granting the deviation request for two signs was legally precedent setting, Attorney Stroud responded that deviations are supposed to be unique to the property; from a legal standpoint it was not necessarily precedent setting; however, from a policy standpoint, it may be something that the Board would want to think about.

Discussion followed related to the specific circumstances at the site and the sign materials. In response to an inquiry whether the problem could have been mitigated by increasing the sign height, Mr. Prys responded that there would have been other problems with increasing the height.

Chairman Strelow moved to adopt staff recommendation and Resolution PZB 2015-08, with revisions: The proposed additional sign will not set a precedent due to the unique circumstances of the bus stop location obscuring the sign visibility which is specific to this site; The deviation for the sign quantity is approved as limited to the size and height shown on Exhibit "B"; and removing the wording "The additional sign is not approved." Motion seconded by Board Member Wood, called and carried unanimously through a roll call vote, with Board Member Binkowski absent .

- (4) Estero WAS – DCI 2015-00016 (District 2)
Request to rezone 1.36 acres from Mixed Use Planned Development to Commercial
Planned Development on the west side of US 41 south of Pelican Sound Drive

Applicant requested continuance to December 15, 2015.

Board Member Crawford moved to continue the request to December 15, 2015, seconded
by Board Member Dewhirst, called and carried unanimously, with Board Member
Binkowski absent.

(e) **Workshops**

None.

6. PUBLIC INPUT

None.

7. BOARD COMMUNICATIONS

- (a) **Committee Reports:** None.
- (b) **Chairman's Reports:** None.
- (c) **Member Reports and Comments:** None.

8. ADJOURN

Board Member Naratil moved to adjourn, seconded by Board Member Dewhirst, called and
carried unanimously, with Board Member Binkowski absent. Chairman Strelow adjourned
the meeting at 7:52 p.m.

Respectfully submitted,

Kathy Hall, MMC
Village Clerk